

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALICE HICKS,

Plaintiff,

v.

ROGER KUULA et. al.,

Defendant.

Case No. 05-5137 FDB

ORDER TO SHOW CAUSE

Plaintiff has been granted leave to proceed *in forma pauperis* (dkt. #2) and granted to proceed without payment of service fee (dkt. #8). This Order is brought *sua sponte* upon Defendant's failure to timely return the signed Waiver of Service of Summons pursuant to Fed. R. Civ. P. 4 (d). Rule 4(d)(2) imposes a duty to avoid unnecessary costs of serving the summons. Fed. R. Civ. P. 4(d)(2); *Darulis v. Garate*, 401 F.3d 1060 (9th Cir. 2005). This policy can be promoted regardless of which party eventually prevails on the merits.

A defendant failing to comply with a request for a waiver shall be given an opportunity to show good cause for the failure, but sufficient cause should be rare. It is not good cause for failure to waive service that the claim is unjust or that the court lacks jurisdiction. Fed. R. Civ. P. 4(d)(2) Advisory Committee note on 1993 amendment; *Darulis*, 401 F.3d at 1064.


1 ACCORDINGLY,

2 IT IS ORDERED:

- 3 (1) Defendant is ordered to show cause why it should not have costs of personal service
4 imposed for its failure to comply with a request to waive service of a summons;
- 5 (2) Defendant shall respond in writing and file his response to this Order to Show Cause
6 with the **Tacoma Clerk's office no later than 4:30pm on Wednesday June 29,**
7 **2005.**

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9 DATED this 22nd day of June, 2005.

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11 FRANKLIN D. BURGESS
12 UNITED STATES DISTRICT JUDGE

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26 ORDER - 2